

## **SUMMARY OF INTERVIEW**

### Attendees, Date and Type of Interview

The interview was conducted on June 30, 2008 and attended by Examiner Samira Jean-Louis and her Supervisor, Sreeni Padmanabhan, and Applicants' representative, Che Chereskin.

### Exhibits and/or Demonstrations

1) Samples of conventional gel formulation, conventional cream formulation and, gel-cream formulation according to the invention

2) Technical bulletins for Polyethylene Glycol & Polyoxyethylene Stearates (Handbook of Pharmaceutical Excipients, 3<sup>rd</sup> edition, Arthur H. Kibbe, ed.)

3) Prepared chart comparing claimed invention with cited references

### Identification of Claims Discussed

Claims 1 and 3

### Identification of Prior Art Discussed

Kimura, et al. (JP 10-182458)

Inagi, et al. (US 4309414)

### Proposed Amendments

none

### Principal Arguments and Other Matters

While the USPTO acknowledged that the Example formulations disclosed in Kimura were not identical to the formulations claimed by Applicants, the Examiners felt that Kimura generically described components that could be mixed and matched to achieve the claimed invention (Examiner Jean-Louis particularly pointed to paragraph 0008 of Kimura).

Results shown in the previously submitted 132 Declaration comparing 40EO to 4EO were discussed. Supervisory Examiner Padmanabhan indicated that claims limited to the 40EO could be allowable as the data shows a result for this species that was unexpected.

**Application No.:** 10/521,958  
**Filing Date:** January 21, 2005

Results of Interview

Applicants may limit claims to the 40EO species. Applicants may submit data in the form of a 132 Declaration to provide evidence of unexpected results for other species within the scope of the claims.